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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,862	01/16/2004	David Kumbyr	AUS920030908US1	8001
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Darrell Walker Suite 250 9301 Southwest Freeway Houston, TX 77074			EXAMINER LEMIEUX, JESSICA	
			ART UNIT 4172	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,862

Applicant(s)

KUMHYR, DAVID

Examiner

Jessica L. Lemieux

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/16/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 1/16/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 20 is objected to because of the following informalities:

Claim 20 recites the phrase "comprising a scanner to established locations."

However, one of ordinary skill in the art could reasonably ascertain that the claim should be amended to simply recite, "comprising a scanner to establish locations."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "before said compiling step" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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3. Claims 1-2, 4-5, 9-10, 12-13 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Number 6,796,488 to Saffarian (hereinafter Saffarian).

As per claims 1 and 9

Saffarian discloses calculating a total sale amount (page 3, lines 43-45), in response to a user input activating the check writing process (page 3, lines 45-48), receiving a blank check in a the payment terminal (page 3, lines 55-57), retrieving transaction information for current sales transaction (page 3, lines 52-55), printing the transaction information on the check in defined check fields (page 4, lines 13-15) and outputting the check (page 4, lines 32-34).

As per claims 2 and 10

Saffarian discloses defining information fields (predetermined locations) corresponding to specific physical locations on a blank check (Figure 3: 302 & 304, page 4, lines 24-28).

As per claims 4 and 12

Saffarian discloses aligning the received blank check in the payment terminal (page 4, lines 40-45).

As per claims 5 and 13

Saffarian discloses printing specific transaction information in each defined field of the blank check (page 4, lines 13-15).

As per claim 19

Saffarian discloses a check feeder mechanism for accepting the check (page 4, lines 40-45), a processor (point-of-sale register) to calculate the amount of a sale (page 3, lines 43-45), a memory location storing information that to be provided related to the sale on the check (page 4, lines 16- 20) and a printer for printing the information on the check (check encoder) (page 4, lines 5-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,796,488 to Saffarian (hereinafter Saffarian) in view of US Patent 5,583,783 to Yasui (hereinafter Yasui).

As per claims 3 and 11

Saffarian does not specifically teach determining the dimensions of the check and determining physical coordinates and physical dimensions for each field.

Yasui teaches determining the dimensions of the check and determining physical coordinates and physical dimensions for each field (figure 3 and page 3, lines 48- 56 and page 4, lines 13-29). Examiner notes that determining different print starting positions requires knowledge of the overall dimensions of the check and therefore determining the dimensions of the check is inherent.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to determine the dimensions of the check and determining physical coordinates and physical dimensions for each field as taught by Yasui to avoid the mislocation of printed characters and digits into fields since check forms of different banks have different field positions.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,796,488 to Saffarian (hereinafter Saffarian) in view of US Patent Number 5,440,106 to Duck (hereinafter Duck).

As per claims 6

Saffarian discloses transaction information comprises the amount of the sale and the name of the payee (page 4, lines 13-15).

Saffarian does not specifically teach transaction information comprises the date of the sale.

Duck teaches transaction information comprises the date of the sale (page 8, lines 55-60).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that transaction information comprises the date of the sale as taught by Duck in order to complete the fields of a blank check.

6. Claims 7-8, 14-17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,796,488 to Saffarian (hereinafter Saffarian) in view of US Patent Application Number 2003/0033252 to Buttridge et al. (hereinafter Buttridge).

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As per claims 7 and 14

Saffarian does not specifically teach determining whether the customer will submit an electronic signature.

Buttridge discloses determining whether the customer will submit an electronic signature (page 3, paragraph [0030]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to determine whether the customer will submit an electronic signature as taught by Buttridge to determine if automation of the manual process of physically signing the check is required.

As per claims 8 and 15

Saffarian does not specifically teach retrieving an electronic signature and printing the retrieved signature in a designated signature field on the check.

Buttridge teaches retrieving an electronic signature and printing the retrieved signature in a designated signature field on the check (page 4, paragraph [0039], lines 7-11).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to include retrieving an electronic signature and printing the retrieved signature in a designated signature field on the check as taught by Buttridge to complete the fields of a blank check.

As per claim 16

Saffarian does not specifically teach retrieving the information from the scanned blank check.

Buttridge teaches retrieving the information from the scanned blank check (page 1, paragraph [0008]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to retrieve the information from the scanned blank check as taught by Buttridge to enable more efficient account verification.

As per claim 17

Saffarian does not specifically teach the transaction information includes the scanned blank check information.

Buttridge teaches the transaction information includes the scanned blank check information (page 1, paragraph [0008]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made the transaction information includes the scanned blank check information as taught by Buttridge to enable all information regarding the check and account corresponding to the check to be identified.

As per claim 18

Saffarian does not specifically teach printing the compiled information onto a newly created check.

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Buttridge teaches printing the compiled information onto a newly created check (page 4, paragraph [0039], lines 7-11).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to print the compiled information onto a newly created check to incorporate all the transaction data in one place as needed even when the original blank check isn't present.

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,796,488 to Saffarian (hereinafter Saffarian) in view of US Patent 6,097,834 to Krouse et al. (hereinafter Krouse).

As per claim 20

Saffarian discloses establish locations on the check for printing information related to the sale (Figure 3: 302 & 304, page 4, lines 24-28).

Saffarian does not specifically teach a scanner to establish locations on the check.

Krouse teaches a scanner to establish locations on the check (page 4, lines 18-39).

Therefore it would have been obvious to one skilled in the art at the time the invention was made a scanner to establish locations on the check as taught by Krouse to incorporate an automation the establishment of locations on the check for printing information related to the sale.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. Lemieux whose telephone number is 571-270-3445. The examiner can normally be reached on Monday-Thursday 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naeem Haq/
Primary Examiner, Art Unit 4172

Jessica L Lemieux
Examiner
Art Unit 4172